

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

New York City District Council of Carpenters Pension Fund, New York City District Council of Carpenters Welfare Fund, New York City District Council of Carpenters Annuity Fund, and New York City District Council of Carpenters Apprenticeship, Journeyman Retraining, Educational and Industry Fund, by their Trustees, Frank Spencer, Douglas J. McCarron, John Ballantyne, Paul Tyznar, Paul O'Brien, Kevin M. O'Callaghan, Catherine Condon, David Meberg, Bryan Winter, and John DeLollis,

Plaintiffs,

- against -

Michael Forde, John Greaney, Joseph Olivieri, Brian Hayes, Michael Mitchell, Finbar O'Neill, K.A.F.C.I., Michael Brennan, Turbo Enterprises, Inc., Terence Buckley, Pitcohn Construction Enterprises, Inc., Gerard McEntee, Pyramid Associates Construction Corp., James Duffy, EMB Contracting Corp., Michael Batalias, Elisavet Batalias, Matthew Kelleher, Brian Carson, Joseph Ruocco, John Stamberger, and Michael Vivenzio,

Defendants.

John Greaney and Imelda Greaney,

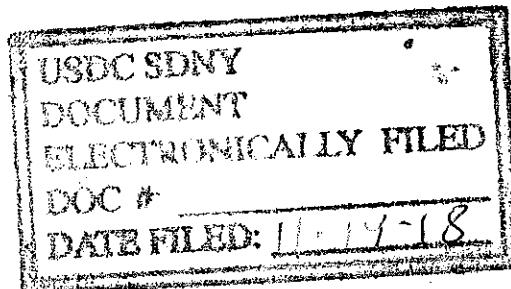
Plaintiffs,

- against -

New York City District Council of Carpenters Pension Fund, New York City District Council of Carpenters Annuity Fund, Plan Administrator of the New York City District Council of Carpenters Pension Fund, Plan Administrator of the New York City District Council of Carpenters Annuity Fund, Board of Trustees of the New York City District Council of Carpenters Pension Fund, and Board of Trustees of the New York City District Council of Carpenters Annuity Fund,

Defendants.

11 CV 5474 (LAP) (GWG)



16 CV 3551 (LAP) (GWG)

**FINAL JUDGMENT AGAINST
MICHAEL FORDE AND JOHN GREANEY**

For the reasons stated in the Order dated September 26, 2018, in which the Court adopted United States Magistrate Judge Gabriel W. Gorenstein's Report and Recommendation dated June 1, 2018, subject to the single modification that the Funds (as defined below) are entitled to offset both John Greaney and Michael Forde's pension and annuity benefits,

IT IS ORDERED AND ADJUDGED that:

1. Judgment is entered in favor of the New York City District Council of Carpenters Pension Fund, New York City District Council of Carpenters Welfare Fund, New York City District Council of Carpenters Annuity Fund, and New York City District Council of Carpenters Apprenticeship, Journeyman Retraining, Educational and Industry Fund, by their Trustees, Frank Spencer, Douglas J. McCarron, John Ballantyne, Paul Tyznar, Paul O'Brien, Kevin M. O'Callaghan, Catherine Condon, David Meberg, Bryan Winter, and John DeLollis (collectively, the "Funds") against Michael Forde and John Greaney, jointly and severally, pursuant to the Racketeer Influenced and Corrupt Organizations Act of 1970 ("RICO"), 18 U.S.C. §§ 1961-1968, in the amount of \$12,908,998.09, representing gross compensatory damages in the amount of \$4,973,259, multiplied by three (resulting in gross treble damages of \$14,919,777), less credits of \$2,010,778.91.

2. Judgment is entered in favor of the Funds against Michael Forde and John Greaney, jointly and severally, pursuant to the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. §§ 1001-1461, in the amount of \$2,962,480.09, representing gross compensatory damages in the amount of \$4,973,259 less credits of \$2,010,778.91.

3. The RICO and ERISA components of this Judgment shall run concurrently.

4. Pursuant to 29 U.S.C. § 1056(d)(4), the Funds are entitled to offset the pension and annuity benefits of Michael Forde and John Greaney against the ERISA component of this Judgment, except that Imelda Greaney retains, pursuant to 29 U.S.C. § 1056(d)(4)(C)(iii), the right

to receive the survivor annuity under a qualified joint and survivor annuity provided pursuant to 29 U.S.C. § 1055(a)(1) (to the extent it applies), determined in accordance with 29 U.S.C. § 1056(d)(5).

5. This Judgment does not resolve: (a) any dispute concerning the extent of the rights retained by Imelda Greaney, as described in the preceding paragraph, (b) the Funds' pending claims in the above-captioned proceedings against Joseph Olivieri, or (c) any party's claims in the pending interpleader action styled *Prudential Investment Management Services, LLC, et al. v. Michael J. Forde, et al.*, 12 CV 5168 (LAP) (GWG).

6. Except as otherwise stated in this Judgment, all claims by and against all parties to the above-captioned proceedings are dismissed with prejudice.

7. Pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Court expressly determines that there is no just reason for delay, and expressly directs entry of final judgment.

Dated: New York, New York

November 14, 2018


UNITED STATES DISTRICT JUDGE